

AMENDMENTS TO THE CLAIMS

1-3. (Canceled)

4. (Currently amended) An isolated antibody or antibody fragment ~~thereof~~ that specifically binds to a protein having at least 90% sequence identity to SEQ ID NO.: 2570 an amino acid sequence of SEQ ID NO: 2570.

5. (Currently amended) The antibody or antibody fragment ~~thereof~~ of claim 4, wherein the antibody is a monoclonal antibody.

6. (Currently amended) The antibody or antibody fragment ~~thereof~~ of claim 5, wherein the monoclonal antibody is recombinantly produced.

7. (Currently amended) The antibody or antibody fragment ~~thereof~~ of claim 4, wherein the antibody or fragment ~~thereof~~ is labeled with a detectable marker.

8. (Canceled)

9. (Currently amended) The antibody or antibody fragment ~~thereof~~ of claim 4, wherein the fragment ~~thereof~~ is selected from the group consisting of Fab, F(ab')₂, Fv and sFv.

10. (Currently amended) The antibody or antibody fragment ~~thereof~~ of claim 4, wherein the antibody is a human antibody, a humanized antibody or a chimeric antibody.

11. (Currently amended) A non-human transgenic animal that produces an antibody that specifically binds to a protein having at least 90% sequence identity to SEQ ID NO.: 2570 an amino acid sequence of SEQ ID NO: 2570.

12. (Currently amended) A hybridoma that produces an antibody that specifically binds to a protein having at least 90% homology to SEQ ID NO.: 2570 an amino acid sequence of SEQ ID NO: 2570.

13. (Currently amended) The antibody or antibody fragment thereof of claim 6, wherein the monoclonal antibody is a single chain monoclonal antibody.

14. (Canceled)

15. (Withdrawn) A method of delivering an agent to a cell that expresses 108P5H8, comprising:

providing the agent conjugated to an antibody or fragment thereof that specifically binds to a protein having at least 90% homology to SEQ ID NO.: 2570; and,
exposing the cell to the antibody-agent or fragment-agent conjugate.

16-69. (Canceled)

70. (Withdrawn) An assay for detecting the presence of a protein having at least 90% homology to SEQ ID NO.: 2570 in a biological sample and a normal sample obtained from a patient who has or who is suspected of having cancer, comprising:

contacting the biological sample and the normal sample with an antibody or fragment thereof that specifically binds to a protein having at least 90% homology to SEQ ID NO.: 2570; and,

determining if the antibody binds to the biological sample or the normal sample, whereby binding indicates the presence of the protein.

71-77. (Canceled)

78. (Currently amended) The antibody or antibody fragment thereof of claim 4, wherein the antibody or fragment is labeled with an agent.

79. (Currently amended) The antibody or antibody fragment ~~thereof~~ of claim 78, wherein the agent is a diagnostic agent or a cytotoxic agent.

80. (Currently amended) The antibody or antibody fragment ~~thereof~~ of claim 79, wherein the cytotoxic agent is selected from the group consisting of radioactive isotopes, chemotherapeutic agents and toxins.

81. (Currently amended) The antibody or antibody fragment ~~thereof~~ of claim 80, wherein the radioactive isotope is selected from the group consisting of ^{211}At , ^{131}I , ^{125}I , ^{90}Y , ^{186}Re , ^{188}Re , ^{153}Sm , ^{212}Bi , ^{32}P and radioactive isotopes of Lu.

82. (Currently amended) The antibody or antibody fragment ~~thereof~~ of claim 80, wherein the chemotherapeutic agent is selected from the group consisting of taxol, actinomycin, mitomycin, etoposide, tenoposide, vincristine, vinblastine, colchicine, gelonin, and calicheamicin.

83. (Currently amended) The antibody or antibody fragment ~~thereof~~ of claim 80, wherein the toxin is selected from the group consisting of diphtheria toxin, enomycin, phenomycin, Pseudomonas exotoxin (PE) A, PE40, abrin, abrin A chain, mitogellin, modeccin A chain, and alpha-sarcin.

84. (Withdrawn) The method of claim 15, wherein the agent is a diagnostic agent or a cytotoxic agent.

85. (Withdrawn) The method of claim 84, wherein the cytotoxic agent is selected from the group consisting of radioactive isotopes, chemotherapeutic agents and toxins.

86. (Withdrawn) The method of claim 85, wherein the radioactive isotope is selected from the group consisting of ^{211}At , ^{131}I , ^{125}I , ^{90}Y , ^{186}Re , ^{188}Re , ^{153}Sm , ^{212}Bi , ^{32}P and radioactive isotopes of Lu.

87. (Withdrawn) The method of claim 85, wherein the chemotherapeutic agent is selected from the group consisting of taxol, actinomycin, mitomycin, etoposide, tenoposide, vincristine, vinblastine, colchicine, gelonin, and calicheamicin.

88. (Withdrawn) The method of claim 85, wherein the toxin is selected from the group consisting of diphtheria toxin, enomycin, phenomycin, Pseudomonas exotoxin (PE) A, PE40, abrin, abrin A chain, mitogellin, modeccin A chain, and alpha-sarcin.